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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,470	10/30/2001	Bruce A. Kalandek	1183	4868

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KEY SAFETY SYSTEMS, INC.
PATENT DEPARTMENT
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EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT PAPER NUMBER

3616

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,470

Applicant(s)

KALANDEK ET AL.

Examiner

Joselynn Y. Sliteris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 3-5 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper Nos. 4 and 6.

Allowable Subject Matter

2. The indicated allowability of claims 2 and 6-12 is withdrawn in view of the newly discovered reference(s) to Stavermann (EP 0 955 213). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2 and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Stavermann (EP 0 955 213).
5. Regarding claims 2 and 12, Stavermann discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 10, the air bag including at least one movable air bag anchor 24 at an end of the air bag 10; and

a force-directing member or guide 26 fixedly mounted at a determinable orientation within the vehicle, wherein upon inflation of the air bag 10, the air bag 10 moves to the deployed condition causing the movable anchor 24 to slide down the force-directing member 26 so that upon inflation of the air bag 10 the movable anchor 24 is self-located in or near a center of the force-directing member 26 resisting any tendency of the curtain to move or be moved upwardly;

wherein the force-directing member 26 includes a bent element with the element mounted such that an apex 28 of the element tends to cause the movable air bag anchor 24 to self-center;

wherein the element is a rod.

6. Regarding claims 6-10, Stavermann discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 10, the air bag including at least one movable air bag anchor 24 at an end of the air bag 10; and

a force-directing member or guide 26 fixedly mounted to the vehicle adjacent one side of the deployed air bag 10, comprising an arcuate bar 26 configured with an apex 28 facing the one side of the deployed air bag 10 wherein upon inflation of the air bag 10, the air bag 10 moves to the deployed condition causing the movable anchor 24 to slide down the bar 26 so that upon inflation of the air bag 10 the movable anchor 24 is self-located within the apex 28 of the bar 26;

wherein the bar 26 includes ends which respectively extend angularly away from the apex 28;

wherein the bar 26 includes a first portion mounted vertically in the vehicle and a second portion which extends angularly therefrom (Fig. 1);

wherein the bar 26 includes a first portion mounted horizontally in the vehicle and a second portion which extends angularly therefrom and away from the one side of the air bag 10;

wherein the bar includes a first portion and a second portion which extend outwardly from the apex and wherein the first and second portions are each skew mounted relative to the vehicle.

7. Regarding claim 11, Stavermann discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 10, the air bag having a determinable side-to-side width when uninflated and when inflated expands from the stowed condition to a deployed condition generally in front of an adjacent side of the vehicle, additionally when inflated the width of the air bag is reduced in dimension;

the air bag 10 including at least one movable air bag anchor 24 at an end of the air bag 10; and

a guide 26 fixedly mounted to the vehicle, the guide 26 defining an inflection point 28, wherein upon inflation of the air bag 10, the air bag 10 moves to the deployed condition causing the movable anchor 24 to slide down the guide 26 so that upon inflation of the air bag 10 the movable anchor 24 is self-located

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in or near the inflection point 28 of the guide 26 thereby resisting any tendency of the curtain to move or be moved while the curtain is inflated.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 703-308-8225. The examiner can normally be reached on Mon-Wed 8:30 am - 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYS
8/4/03

 8/5/04
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TECHNOLOGY CENTER 3600